

REMARKS

The Official Action of March 5, 2009, has been carefully reviewed. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The claims have been amended to be directed to the elected invention. For convenience in entry of the amendment, the claims have been canceled in their entirety and presented as new Claims 35-49. As requested by the Examiner, the claims have been amended without prejudice to be directed to the elected invention (i.e. Y = N [pyrazines] and R²⁻³ does not form a ring). Support for this amendment is found in the specification, e.g. at page 3, line 5 to page 15, line 6; and the claims of the application as filed.

Claims 35-49 are pending in the application.

I. Rejection of Claims 27-29 for Indefiniteness

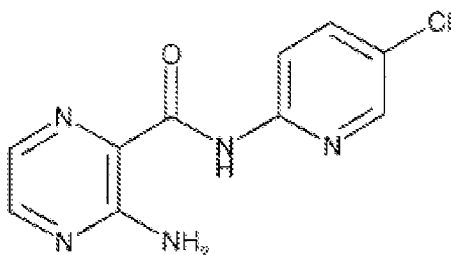
Claims 27-29 stand rejected under 35 U.S.C. 112, second paragraph, for indefiniteness. The Examiner was concerned regarding the definition of "R₁" in Claim 27. Applicants note that there was a typographical error in the structure depicted for the sub-genus Formula Ia.

In particular, the group on the left aryl ring containing "X" should be "R₁" (not "R₄") consistent with how it is depicted in the main genus Formula I. Whereas in the main genus Formula I, the group "R₁" may be substituted at any open position on the left aryl ring, in the sub-genus Formula Ia, the group "R₁" is specified as being fixed at the meta-position relative to the amide nitrogen. This typographical error has been corrected. Support for this amendment is found e.g. at page 3, lines 5 to 26; page 9, lines 9-21; page 11, lines 4-20; and the claims of the application as filed.

Accordingly, the rejection of Claims 27-29 under 35 U.S.C. § 112, second paragraph, for indefiniteness has been overcome.

II. Rejection of Claims 20-26 and 34 for Anticipation

Claims 20-26 and 34 stand rejected under 35 U.S.C. 102 (b) as being anticipated by Beight et al. (WO 00/39117). The Examiner noted that Beight et al. teach the specific compound 3-amino-N-(5-chloropyridin-2-yl)pyrazine-2-carboxamide:



This compound is disclosed by Beight et al. as being a synthetic intermediate (see pg. 44, line 16 to page 45, line 30) to prepare compounds that inhibit factor Xa and which are useful as anticoagulants.

Applicants respectfully traverse this rejection and submit that Beight al. does not disclose each and every element of the claimed invention. In this regard, the claims as currently amended are directed to the substituted pyrazine compounds wherein at least one of "R₂" and "R₃" is other than hydrogen. Such compounds are structurally distinct from the compound of Beight al. that bears a hydrogen at the position equivalent to R₂ and a hydrogen at the position equivalent to R₃ on the pyrazine.

Applicants also note that Beight et al. teach the compound 3-amino-N-(5-chloropyridin-2-yl)pyrazine-2-carboxamide as a synthetic intermediate and that the penultimate compounds of Beight et al. are disclosed as being inhibitors of factor Xa which are useful as anticoagulants. The present claims are directed to pyrazine compounds which are structurally distinct from the compounds of Beight et al. Moreover, whereas the final compounds of Beight et al. are taught as being inhibitors of factor Xa, the claimed compounds are modulators of the metabotropic glutamate 5 (mGluR5) modulators.

Accordingly, the rejection of Claims 20-26 and 34 under 35 U.S.C. § 102(b) as being anticipated by Beight et al. is untenable and should be withdrawn.

III. Claim Objections

Claim 33 was objected to because the word "and" appears at the end of the table. As requested by the Examiner, the word "and" has been deleted from the claim.

Applicants gratefully acknowledge that Claim 33 appears allowable. Applicants have amended Claim 33 as new Claim 48 to correct a typographical error in not depicting the hydrogen atom on the amide nitrogen in the structures of the compounds. Support for this amendment is found in the names of the compounds in the Examples, e.g. at page 32, line 5 to page 59, line 12; and the claims of the application as filed.

Applicants respectfully contend that the application is allowable and a favorable response from the Examiner is earnestly solicited.

Respectfully submitted,

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